

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

CYMEYON HILL,

Plaintiff,

v.

DAVID B. KAYE,

Defendant.

Case No. 1:22-cv-00929-JLT-HBK (PC)

DISCOVERY AND SCHEDULING ORDER

Deadline for Exhaustion-Based Motion: **01/13/23**  
Deadline to Amend Pleadings: **04/13/23**  
Deadline to Complete Discovery: **07/13/23**  
Deadline for Dispositive Motion(s): **10/13/23**

Pursuant to Federal Rules of Civil Procedure 1, 16, and 26-37, the Court sets forth the following case management deadlines and discovery procedures for this case as follows:

**I. Written Discovery:**

Discovery requests shall be served by the parties in compliance with Federal Rule of Civil Procedure 5 and Eastern District of California Local Rule 135. Discovery requests and responses shall not be filed with the Court unless required by Eastern District California Local Rules 250.2, 250.3 and 250.4.

As described under Federal Rule of Civil Procedure 33, the parties are **limited to 25 interrogatories;**

As described under Federal Rule of Civil Procedure 36, the parties are **limited to 25 requests for admission;**

As described under Federal Rule of Civil Procedure 34, the parties are **limited to 25**

1 requests to produce.

2 Responses to documents shall include all documents within a party's possession, custody,  
3 or control. Fed. R. Civ. P. 34(a)(1). Documents are deemed within a party's possession, custody,  
4 or control if the party has actual possession, custody, or control thereof, or the legal right to  
5 obtain the property on demand. *Allen v. Woodford*, 2007 WL 309945, at \*2 (E.D. Cal. 2007).

6 Responses to written discovery requests shall be due within forty-five (45) days after the  
7 request is first served. Similarly, responses and production of documents are due within forty-  
8 five of the requests being served. Boilerplate objections are disfavored and may be summarily  
9 overruled by the Court. All discovery must be completed by the above-referenced discovery cut-  
10 off date.

11 The parties are required to act in good faith during the course of discovery and should first  
12 attempt to meet and confer to resolve any discovery dispute and the failure to do so may result in  
13 the imposition of sanctions, if appropriate. **Any motions to compel must be filed no later than  
14 fourteen (14) days of the discovery cut-off date. Failure to timely file a motion to compel  
15 will result in a waiver of any objections.**

16 **II. Depositions**

17 Pursuant to Federal Rule of Civil Procedure 30(a)(2)(B), Defendants may depose Plaintiff  
18 and any other witness confined in a prison upon condition that, at least fourteen (14) days before  
19 such a deposition, Defendants serve all parties with the notice required by Rule 30(b)(1).

20 Pursuant to Federal Rule of Civil Procedure 30(b)(4), the parties may take any deposition under  
21 this section by video conference without a further motion or order of the Court. Nothing herein  
22 forecloses a party from bringing a motion for protective order pursuant to Federal Rule of Civil  
23 Procedure 26(c)(1) if deemed necessary.

24 Disagreement with any directive of security staff at the institution or prison at which the  
25 deposition is scheduled is not a basis for the Plaintiff to refuse to answer questions, and the failure  
26 of Plaintiff to attend, be sworn, or answer appropriate questions may result in sanctions, including  
27 terminating the action as provided in Fed. R. Civ. P. 37.

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1           **III. Case Management Deadlines**

2           The following deadlines shall govern this action:

3           A. The deadline for motions challenging exhaustion of administrative remedies is January  
4           13, 2023.

5           B. The deadline for amending the pleadings is April 13, 2023.<sup>1</sup>

6           C. The deadline for completion of all discovery is July 13, 2023 with any motions to  
7           compel due within fourteen (14) days of this discovery cut-off date.

8           D. The deadline for filing pre-trial dispositive motions is October 13, 2023.

9           E. In addition to complying with the applicable rules, a motion and incorporated  
10          memorandum and any responses in opposition shall not exceed twenty-five (25) pages in length,  
11          exclusive of exhibits. A reply shall not exceed seven (7) pages in length. A party must move and  
12          show good cause for exceeding these page limitations.

13           F. The Defendants shall lodge a Word version of any dispositive motion to  
14          [hbkorders@caed.uscourts.gov](mailto:hbkorders@caed.uscourts.gov).

15           Any requests for an extension to any deadline set in this Discovery and Scheduling Order  
16          must be filed at least two weeks prior to its expiration. The deadlines set forth above are firm and  
17          will only be extended upon a showing of good cause. Eleventh hours motions, *i.e.*, motions filed  
18          on the eve of the deadline expiration, to extend a deadline will only be granted upon a showing of  
19          extraordinary circumstances.

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21          Dated: October 12, 2022

  
HELENA M. BARCH-KUCHTA  
UNITED STATES MAGISTRATE JUDGE

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28          <sup>1</sup> This date does not permit any party to unilaterally file an amended pleading. Any amendments to the  
pleadings must comply with all applicable Federal Rules of Civil Procedure (*i.e.*, Rule 15) and Local Rules  
(*i.e.*, Local Rule 220).

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